

83-89-I

THE STATE OF NEW HAMPSHIRE

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August 19, 1983

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Mr. Robert X. Danos, Director
Division of Safety Services
Department of Safety
Hazen Drive
Concord, New Hampshire 03301

Dear Mr. Danos:

By memorandum dated July 6, 1983, you requested an opinion concerning the definition of "public buildings" as used in RSA 155-A:1. It is our opinion that "public buildings" refers to any building space where the general public is allowed entry as a normal part of the operation and use of the building.

It is a principle of statutory construction that when statutes deal with the same subject matter they should be construed not to contradict each other. State v. Woodman, 114 N.H. 497 (1974); 2A J. Sutherland, Statutory Construction §51.02 (rev. 3d ed. G. Sands 1973). RSA 155-D concerns construction standards for new public buildings for purposes of energy conservation, while RSA 155-A concerns construction standards for new public buildings for fire safety. In our opinion, since both statutes deal with minimum construction standards for new public buildings, though for a somewhat different purpose, the definition of "public buildings" specifically provided for in RSA 155-D should be consistent with RSA 155-A unless the legislature specifically indicates otherwise. "Public building" is defined in RSA 155-D as "any building space where the general public is allowed entry as a normal part of the operation and use of the building."

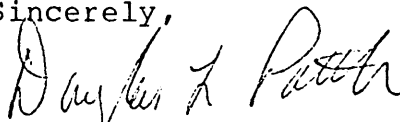
It should also be noted that in construing the meaning of statutes, a long standing practical and plausible interpretation



given a statute by those responsible for its implementation without subsequent changes in the statute by the legislature is evidence that such a construction conforms to legislative intent. New Hampshire Retail Grocers Ass'n. v. State Tax Commission, 113 N.H. 511, 514 (1973). Since the fire marshal's office has for a number of years interpreted "public building" as used in RSA 155-A to mean a building which is open to the public, the definition in RSA 155-D referred to above is consistent with the enforcing agency's long-standing interpretation. Moreover, since the legislature has not further defined "public building," we must assume that the fire marshal's interpretation conforms with legislative intent and therefore see no reason to alter that interpretation.

I trust this has been responsive to your questions. Please let me know if you require anything further.

Sincerely,



Douglas L. Patch
Assistant Attorney General
Division of Legal Counsel

DLP:ab

cc: Mr. Richard M. Flynn, Commissioner
Mr. Earl M. Sweeney, Deputy Commissioner
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